

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7082

BILL NUMBER: SB 431

NOTE PREPARED: Jan 7, 2004

BILL AMENDED:

SUBJECT: Modification of Sentences.

FIRST AUTHOR: Sen. Breaux

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State

Summary of Legislation: The bill provides that a defendant may receive a sentence modification after serving 365 days of an executed sentence if the defendant serves at least 10 years or one-third of the executed sentence or demonstrates a pattern of behavior consistent with rehabilitation.

Effective Date: July 1, 2004.

Explanation of State Expenditures: Under current law, the court may reduce or suspend the sentence of an offender who has served more than 365 days with the consent of the prosecuting attorney. Under the bill, the court would be allowed to reduce or suspend the sentence of an offender who has served 10 years or one-third of a sentence based on the earliest release date.

A snapshot view of the main sentencing conviction of the prison population on December 15, 2003, shows an unduplicated count of 6,716 prisoners who would qualify for a reduced or suspended sentence under the proposed conditions and who do not have an earliest release date in or before 2004. This number is derived from 1,793 who have served at least 10 years and 6,489 who have served at least a third of their sentence. The average earliest release date for these two groups of prisoners would result in release in 12.8 years and 3.9 years, respectively. The average expenditure to house an adult offender in a state facility was \$26,825 in FY 2002. Any expenditure reductions will be at the discretion of the court.

Examples of savings: If an offender is released from a correctional facility earlier than the offender otherwise would be, all other things being equal, the state would save the cost of incarcerating the offender for the period in question. Using the information above, if one assumed that all 6,716 received a suspended sentence and left state facilities on July 1, 2004, all other things being equal, the state would save annual incarceration

costs for these prisoners estimated at a total \$1.1 billion. These savings would be spread over the time that the offenders would have remained in prison, which, based on the earliest release date, would be through 2179.

In another example, if all qualifying prisoners received a two-year reduction in their sentence, the state would save two years of expenditures for incarceration. Because the offenders qualifying for a reduced sentence based on length of service have a different average earliest release date from offenders who would qualify based on having served one-third of their sentence, it is estimated that the state would save expenditures of \$264 M for two years of incarceration beginning in 2006 for offenders who have served one-third of their sentence, and about \$96 M beginning in 2015 for offenders who have served at least 10 years.

Note: The estimate assumes that for a prisoner who qualifies for a suspended or reduced sentence both for 10 years served and one-third of a sentence served, the prisoner's average earliest release date will be the same as prisoners who have served 10 years. These examples assume prisoners given a suspended or reduced sentence are released from a state facility. The estimates do not include any additional costs for community supervision.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected:

Information Sources: Department of Correction.

Fiscal Analyst: Mark Goodpaster, 317-232-9852; Karen Firestone, 317-234-2106.